

FEBRUARY 8, 1816.

Read twice and committed to a Committee of the whole House
to-morrow.

A Bill

Concerning pre-emption rights given, in the purchase of lands, to certain settlers in the State of Louisiana, and in the Territories of Missouri and Illinois.

1 *Be it enacted by the Senate and House of Representatives of*
2 *the United States of America, in Congress assembled, That*
3 every person, and the legal representatives of every person
4 entitled to a preference in becoming the purchaser, from the
5 United States, of a tract of land, at private sale, in the State
6 of Louisiana, and in the Territories of Missouri and Illinois,
7 according to the provisions of the act, entitled "An act giving
8 the right of pre-emption, in the purchase of lands, to certain
9 settlers in the Illinois Territory, passed February fifth, one
10 thousand eight hundred and thirteen," and the fifth section of
11 the "Act for the final adjustment of land titles in the State of

12 Louisiana and Territory of Missouri, passed April twelfth, one
 13 thousand eight hundred and fourteen," shall make known his
 14 claim, by delivering a notice, in writing, to the register of the
 15 land office for the district in which the land may lie, wherein
 16 he shall particularly designate the tract he claims; which no-
 17 tice the register shall file in his office, on receiving twenty-five
 18 cents from the person delivering the same. And in every case
 19 where it shall appear, to the satisfaction of the register and
 20 receiver of public moneys of the land office, by the oath or af-
 21 firmation of any competent and credible witness, that any per-
 22 son, who has delivered his notice of claim, is entitled to the
 23 right of pre-emption in the purchase thereof, it shall be the
 24 duty of the register and receiver to issue a certificate to the
 25 person entitled to the same; and upon such certificate being
 26 made, it shall be the duty of the principal surveyor of the dis-
 27 trict in which the land lies, on the application of the party in-
 28 terested, to survey, or cause to be surveyed under his direction.
 29 a tract of one hundred and sixty acres of land, by lines corres-
 30 ponding with the cardinal points, and in length not more than
 31 double the breadth thereof, except in cases where prior claims
 32 or navigable water-courses may render a deviation necessary;
 33 and the tracts surveyed shall consist of unappropriated lands,
 34 not rightfully claimed by any other person; and shall, in every
 35 case, contain the cultivated land to which the person is en-

36 entitled to the right of pre-emption: and in cases where, by rea-
 37 son of adjacent prior claims, or the contiguity of the improve-
 38 ments of persons entitled to the right of pre-emption, each per-
 39 son cannot obtain a tract of one hundred and sixty acres, the
 40 vacant land applicable to the object shall be divided between
 41 the several persons interested, by the principal deputy surveyor,
 42 in such manner as shall appear to him most equitable and just:
 43 and the surveyor shall return a plat of each survey to the re-
 44 gister, together with a notice, in writing, designating each tract,
 45 and the name of the person on whose behalf the survey shall
 46 be made; which notice the register shall cause to be recorded
 47 in his office, on receiving fifty cents from the person delivering
 48 the same: and such person shall have a right to enter the
 49 tract for purchase with the register of the land office, on pro-
 50 ducing a receipt from the receiver of public moneys, for at
 51 least one twentieth part of the purchase money, as in case of
 52 other public lands sold at private sale: *Provided*, no person
 53 entitled to the right of pre-emption in the purchase of a tract
 54 of land which has been surveyed under the authority of the
 55 United States, shall be entitled to the benefits of this section.

1 SEC. 2. *And be it further enacted*, That the provisions con-
 2 tained in the before-recited acts, so far as regards persons set-
 3 tled on fractions of sections, or fractional quarter sections, sur-

~~4 conveyed under the authority of the United States, containing less~~
~~5 than one hundred and sixty acres, be repealed: and that such~~
~~6 persons, under the like circumstances, shall be entitled to all~~
~~7 the rights, benefits, and advantages specified in the said recit-~~
~~8 ed acts, as those settled on quarter sections ; and also the privi-~~
~~9 lege of purchasing one or more adjoining fractional quarter~~
~~10 sections, including their improvements, or the fractions improv-~~
~~11 ed by them, and the quarter section or fraction adjoining, or~~
~~12 (at their option) only the fraction improved, although less than~~
~~13 a quarter section ; and the provisions of the said recited acts~~
~~14 are hereby made applicable to them, so far as they are consis-~~
~~15 tent with the provisions of this act.~~

1 SEC. 3. *And be it further enacted,* That in cases where two
 2 or more persons, entitled to the right of pre-emption, are settled
 3 upon one quarter or fractional quarter section of land, each
 4 person shall be authorized to purchase one quarter section or
 5 fractional quarter section of the section or fractional section of
 6 land upon which they are so settled ; and the section or frac-
 7 tional section upon which such persons are settled, shall be
 8 equally divided between them, in such manner as the register
 9 and receiver, within whose district the land lies, shall deter-
 10 mine and direct, so as to secure, as far as may be practicable,
 11 to every such person, their improvements respectively.

1 SEC. 4 *And be it further enacted,* That the register and re-
2 ceiver, for taking the proof and issuing a certificate, shall be en-
3 titled to receive, of the person in whose favour the same shall
4 be issued, the sum of seventy-five cents each ; and the sur-
5 veyor shall be paid for his services by the person on whose
6 behalf the services shall be performed, at the rate of three
7 dollars per mile, for making the survey, and seventy-five cents
8 for each plat and notice by him returned,